

**AN ORDINANCE**

**AMENDING**, Chapter 2-6, Fire Prevention and Protection Code, of the City of Marietta.

**NOW, THEREFORE BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:**

**Section 1:** Chapter 2-6, Fire Prevention and Protection Code, is hereby amended as follows:

**CHAPTER 2-6 - FIRE PREVENTION AND PROTECTION**

**2-6-010 - Fire Prevention Code.**

A. The State of Georgia Fire Laws; and Rules and Regulations for the State Minimum Fire Safety Standards promulgated pursuant to Georgia Code § 25-2-1 et seq., as adopted by the Safety Fire Commissioner and all subsequent revisions thereto are adopted and incorporated by reference with the following exceptions:

1. Section 109 of the International Fire Code, 2018 edition, is deleted in its entirety and the following is substituted in lieu thereof:

"Section 109, Appeals, shall be administered in accordance with Section 2-6-060 of the Code of Marietta, Georgia."

2. Section 112.4 of the International Fire Code, 2018 edition, is modified to read as follows:

"Any person who shall continue any work after having been served with a stop work order, for work regulated by this *code*, except such work as that person is directed to perform to remove a violation or unsafe condition, shall upon conviction be punished in accordance with O.C.G.A. § 25-2-37. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

3. Appendix B of the International Fire Code, 2018 edition, is adopted as and for the fire flow requirements for buildings of this municipality with like effect as if recited herein; or as determined by the Fire Code Official.

B. A copy of the Rules and Regulations for the State Minimum Fire Safety Standards shall be maintained in the office of the City Clerk for inspection by the public.

C. In the event of a conflict between the Rules and Regulations for the State Minimum Fire Safety Standards and any other ordinance of the city, such other ordinance shall control.

(Code 1978, § 2-2001; Ord. No. 4960, 9/11/91, § 1; Ord. No. 5536, 2/14/96; Ord. No. 5575, 6/12/96; Ord. No. 5587, 8/14/96; Ord. No. 5957, 2/10/1999, § 1)

**2-6-020 – Definitions in International Fire Code.**

The following definitions shall apply to the International Fire Code adopted in this article:

- A. Wherever the word "municipality" is used in the International Fire Code, it shall be held to mean the City of Marietta.
- B. Wherever the term "corporation counsel" is used in the International Fire Code, it shall be held to mean the City Attorney's Office.
- C. Wherever the words "Chief of the Bureau of Fire Prevention" are used in the International Fire Code, they shall be held to mean the Fire Marshal.

- D. "Fire code official" shall mean Fire Marshal and/or authorized designee.
- E. "Authority having jurisdiction" shall mean Fire Marshal.
- F. "Private fire main" shall include all piping and appurtenances on the customer side of a water meter.

**Editor's note**— Section 2 of Ord. No. 5957, adopted Feb. 10, 1999, deleted § 2-6-020 which pertained to rules of the Georgia Safety Fire Commissioner and derived from Code 1978, § 2-2002; Ord. No. 3984, adopted Aug. 10, 1983; Ord. No. 4822, adopted Sept. 12, 1990; Ord. No. 4961, adopted Sept. 11, 1991; and Ord. No. 5575, adopted June 12, 1996.

2-6-030 - Fire Prevention Bureau established; duties.

- A. The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention, hereafter referred to as the Fire Marshal's Office, in the city Fire Department, which is established and which shall be operated under the supervision of the Fire Chief and the Fire Prevention Assistant Chief.
- B. The Fire Prevention Assistant Chief shall be the city Fire Marshal/Fire Official and shall be appointed by the Fire Chief on the basis of examination to determine his or her qualifications. The appointment shall continue during good behavior and satisfactory service, and he or she shall not be removed from office except for cause after a public hearing.
- C. The Fire Chief may detail members of the Fire Department as Inspectors. If necessary, these Inspectors may be reassigned to the fire fighting force at the discretion of the Fire Chief.
- D. A report of the Fire Marshal's Office shall be made annually and transmitted to the Fire Chief. It shall contain all proceedings under the Fire Prevention Code, with such statistics as the Fire Chief may wish to include therein. The Fire Chief shall also recommend any amendments to the Code, which, in his or her judgment, shall be desirable.
- E. The Fire Marshal, his deputies, or authorized delegates are hereby authorized to enforce this Code and State Minimum Fire Safety Standards, and to conduct fire inspections in accordance therewith; provided however, that citations for violations of such municipal codes shall be returnable to the municipal court.

(Code 1978, § 2-2003; Ord. No. 1780, 4/23/66, § 2; Code 1961, § 9-1.1; Ord. No. 4962, 9/11/91, § 1; Ord. No. 5575, 6/12/96)

2-6-040 – Reserved.

(Code 1978, § 2-2005; Ord. No. 4963, 9/11/91, § 1; Ord. No. 5575, 6/12/96)

2-6-050 - Modifications.

The Fire Marshal shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or a duly authorized agent, when there are serious difficulties in carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, the decision of the Fire Marshal thereon shall be entered upon the records of the Fire Department, and a signed copy shall be furnished to the applicant.

(Code 1978, § 2-2006; Ord. No. 1780, 4/23/66, § 7; Code 1961, § 9-1.6; Ord. No. 4963, 9/11/91, § 1; Ord. No. 5575, 6/12/96)

2-6-060 - Appeals.

- A. Any person aggrieved by an action of the Fire Marshal or other city official or employee of the City of Marietta Fire Department, including but not limited to disapproval of an application, refusal to grant a permit, a determination that the Fire Code or city ordinances does not apply or has been misconstrued, but excluding those actions or violations which are within the purview of the State Fire

Marshal or code violations which are subject to the jurisdiction of municipal, state or federal court, may appeal and be heard by the city Board of Appeals for Construction.

- B. All appeals, pursuant to this section, must be filed in writing with the City of Marietta Public Works Department within 30 days from the date of the decision or action from which the aggrieved party appeals. All appeals must be filed on forms which can be obtained at the City of Marietta Public Works Department.
- C. Any person aggrieved by an action of the city board of appeals for construction may appeal within 30 days to the Superior Court of Cobb County, Georgia by writ of certiorari.

(Code 1978, § 2-2007; Code 1961, § 9-1.7; Ord. No. 1780, 4/23/66, § 8; Ord. No. 4823, 9/12/90, § 1; Ord. No. 4963, 9/11/91, § 1; Ord. No. 5575, 6/12/96)

2-6-070 - New materials, processes or occupancies which may require permits.

The City Manager, the Fire Chief, and the Fire Marshal, shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits in addition to those now enumerated in the Fire Prevention Code. The Fire Marshal shall post the list, if any, in a conspicuous place in his or her office, and distribute copies thereof to interested persons. The list shall be a rule and regulation of the Fire Department and shall be adopted by the Mayor and City Council and become effective upon approval, unless otherwise specified.

(Code 1978, § 2-2008; Ord. No. 4963, 9/11/91, § 1; Ord. No. 5575, 6/12/96)

2-6-080 - Penalties.

- A. Any person who shall violate any of the provisions of the Fire Prevention and Protection Code or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statements, specifications, plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken within the time affixed herein may be prosecuted for violations by the city after the person has been issued a citation by a duly authorized officer of the Fire Department of the City of Marietta or an authorized law enforcement officer of the Police Department of the City of Marietta. Upon conviction, the person shall be punished by a fine or imprisonment in accordance with Section 11-4-080 of the City Code, as now or hereafter amended. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy the violations or defects within 30 days. Each day's continuing violation shall be treated as a separate offense.
- B. In addition to all other provisions of this section, any violation of this chapter is deemed to be a continuing nuisance and may be abated by an application of injunction in the Superior Court of Cobb County or any other court of competent jurisdiction.

(Code 1978, § 2-2009; Code 1961, § 9-1.9; Ord. No. 1780, § 10; Ord. No. 4824, 9/12/90, § 1; Ord. No. 4963, 9/11/91, § 1; Ord. No. 5575, 6/12/96)

2-6-090 - Authority at fires.

- A. The Fire Chief or Fire Officers under his or her direction shall have full control over all fire apparatus of the Fire Department in service at any fire. It shall be the duty of the Fire Chief or his or her designee to superintend the Fire Department while performing any public duty in fighting a fire; to give general and specific directions as to the manner of fighting fires, the use of hose and apparatus, and the specific duties and assignments of the various members of the fire department in attendance at a fire. The Fire Chief may immediately suspend any member of the fire department for insubordination at any fire.

- B. Officers of the Fire Department, when at the scene of a fire, or other call for service, may direct or assist the City Police Department in directing traffic in the immediate vicinity.

(Code 1978, § 2-2010; Ord. No. 5575, 6/12/96)

2-6-100 - Obstruction of or tampering with fire hydrants and apparatus prohibited.

- A. Adoption by reference Rule 120-3-3-.05, with like effect as if recited herein. If any provision, as adopted herein, is declared unconstitutional or invalid, it shall not affect the remaining sections of that chapter.
- B. It is unlawful for any person to place ashes, cinders, dirt, rubbish, building material or any other material around or in close proximity to any fire hydrant so as to cause hindrance or delay in access thereto, or prevent the free use thereof by the Fire Department. No person shall, in any way, interfere with or tamper with any fire hydrant or attempt to take water therefrom without special authority from the Fire Chief or his or her designee.
- C. Without the consent of the Fire Chief, no person not an active member of the Fire Department shall at any time ride upon any of the fire apparatus of the Fire Department, nor shall any person make use of any fire apparatus, hose, or other equipment of the Fire Department, other than for the purpose for which the equipment was intended, without the consent of the Fire Chief.

(Code 1978, § 2-2012; Ord. No. 4963, 9/11/91, § 1; Ord. No. 5575, 6/12/96)

2-6-110 - Certain acts interfering with firefighting activities.

No person, except an active member of the Fire Department, shall at any time enter within the territory or vicinity of any fire, when the area is roped off or access is denied by the City Fire or Police Departments, or interfere with or attempt to operate any of the apparatus or equipment of the Fire Department or any fire hydrant, or interfere by giving orders to any individual, unless requested to do so by the Fire Chief or Fire Officers under his or her direction; provided, however, that the Mayor or any member of the Council; any Police Officer or other law enforcement officer; the owner or occupant of the property, and the City Manager or any other persons as may be specifically authorized by the Fire Chief or his or her designee, may enter the restricted areas.

(Code 1978, § 2-2013; Ord. No. 5575, 6/12/96)

2-6-120 - Open burning.

Open burning is prohibited, with certain exemptions, in the city. The provisions of Section 391-3-1-.02(5) of the regulations promulgated by the Georgia Environmental Protection Department under the Georgia Air Quality Act, as amended from time to time are adopted and incorporated herein by reference. A copy of said regulation shall be kept on file by the city clerk for inspection by the public.

(Code 1978, § 2-2015; Ord. No. 4082, 9/12/84; Ord. No. 4963, 9/11/91, § 1; Ord. No. 5575, 6/12/96)

2-6-130 - Posting of addresses.

- A. All owners and occupants of improved real property lying within the city are required to post the address of such real property owned or occupied by them with the street address assigned to such property by the City of Marietta, in such manner that said address is clearly visible and legible from the street on which the improvement on such property fronts. The obligation hereby imposed shall be the joint duty of all owners and occupants of improved real property lying within the city who are over 18 years of age.
- B. All owners of apartment complexes lying within the city are required to post the building identifier for each apartment building within the complex, whether the identifier be a number or letter or a combination thereof, in such manner that said building identifier is clearly visible and legible from the street or private drive on which each building fronts. The identifier for each building within apartment complexes lying within the city will be a minimum of one foot in height, will contrast with the building

itself so as to be highly visible, will be reflective so as to be seen easily in darkness and will not be obstructed at any time by natural or man-made objects.

(Code 1978, § 2-2016; Ord. No. 4635, 5/19/88; Ord. No. 4963, 9/11/91, § 1; Ord. No. 5575, 6/12/96; Ord. No. 6213, 2/14/2001, §§ 1, 2)

2-6-140 - Sprinkler protection required.

A. As used in this section, the following terms shall have the meanings set forth herein:

1. "Commercial" refers to a business involved in the exchange of services, productions, or property of any kind; the buying, selling and exchange of articles.
2. "Multifamily residential structures" refers to a structure with a maximum of four stories in height, except duplex and freestanding single family residences. A story is defined as that portion of a building included between the upper surface of the floor and the upper surface of the floor or roof next above.
3. "New," for the purposes of this section, shall include any additions to existing buildings, whether vertically or horizontally, or any existing building or structure which shall be deemed to be a new building in the event such building or structure is subject to substantial renovation or a fire or other hazard of serious consequence. For purposes of this subsection, the term "substantial renovation" shall mean any construction project involving exits or internal features of such building or structure costing more than the building's or structure's gross assessed value according to county tax records at the time of such renovation.
4. "Approved system-commercial/residential," for commercial buildings over 5,000 square feet, or residential structures, or those structures required to be sprinkled by some other code, means a sprinkler system designed in accordance with National Fire Protection Association Standards and referenced publications.
5. Approved system-commercial areas less than 5,000 square feet, for light hazard areas, i.e. offices and shipping areas, of commercial buildings less than 5,000 square feet a modified sprinkler system may be used. This system may be used upon appeal to the fire marshal's office by the owner of the building.
6. "Modified sprinkler system" is a combination sprinkler system operating off the domestic water supply designed in accordance with specifications on file in the fire marshal's office.

B. All new commercial buildings shall be protected throughout with an approved automatic fire protection system.

1. For buildings less than 15,000 square feet constructed mainly for the storage of products with limited life loss potential some flexibility may be allowed. The owner may petition to the fire marshal for exception to sprinklers in the storage areas. The fire marshal will give consideration to such things as building construction, products stored, arrangement of storage, number of employees in the area, access to the building, and any other fire protection features provided. This exception will not be allowed for additions to existing sprinkled buildings.

For buildings storing materials that are water reactive or may be damaged more by water fighting a fire, than by a fire, the fire marshal's office shall use the same considerations.

2. Additions to existing unprotected buildings where the addition totals less than 1,000 square feet; provided, however, the addition must be separated by fire rated construction in accordance with the City of Marietta Building Code and is not required to be protected by some other applicable code.

C. All new multifamily residential structures shall be protected throughout with an approved automatic fire protection system.

D. All new one-family and two-family dwellings built closer than 20 feet from another structure or closer than ten feet to the property line must be sprinkled with an approved system.

- E. There shall be early fire detection systems in all sections of multifamily occupancies. Existing buildings may have an approved battery operated smoke detector. The bureau of fire prevention may require a hard-wire detection system if battery operated detectors are not maintained according to manufacturer's recommendation.
- F. The owner is responsible for the inspection and testing of the sprinkler system in accordance with the rules of the Georgia Safety Fire Commissioner.
- G. If this code section in any way conflicts with the provisions in the Standard Building Code, the Fire Prevention Code, or the Life Safety Code, the more restrictive shall apply.

(Code 1978, § 2-2017; Ord. No. 4733, 8/9/89, § 1; Ord. No. 4758, 12/13/89; Ord. No. 4825, 9/12/90, § 1; Ord. No. 4840, 11-14-90, § 1; Ord. No. 4887, 4/10/91, § 1; Ord. No. 4964, 9/11/91, § 1; Ord. No. 5575, 6/12/96)

2-6-150 - Application of building and fire related codes to existing buildings.

- A. O.C.G.A. § 8-2-200 et seq., and all subsequent amendments thereto, is adopted and incorporated by reference and shall be controlling in the corporate limits of the city. A copy will be on file in the office of the City Clerk for inspection by the public.
- B. Any other provision(s) of the city Code of Ordinances which does not adopt state law by reference and which is more restrictive than the rules of the Georgia Safety Fire Commissioner shall be controlling over the rules of the Georgia Safety Fire Commissioner.
- C. All amendments, deletions, additions or supplements to O.C.G.A. § 8-2-200 et seq. may be adopted by an ordinance of council, and thereby incorporated herein; provided, that any changes in the standard text shall be made available to the public for inspection in the office of the City Clerk.

(Code 1978, § 2-2018; Ord. No. 4826, 9/12/90, § 1; Ord. No. 5575, 6/12/96)

2-6-160 - Fireworks.

- A. Adoption by reference O.C.G.A. §§ 25-10-1 et seq., of that chapter known as the Regulation of Fireworks are adopted as and for the fireworks regulations of this municipality with like effect as if recited herein. If any provisions of the Regulations of Fireworks, as adopted herein, is declared unconstitutional or invalid, it shall not affect the remaining sections of that chapter.
- B. A permit for a distributor selling consumer fireworks from either a retail sales facility or retail sales stand must be obtained from the Fire Department, per O.C.G.A. § 25-10-5.1.

(Ord. No. 7903, 7/13/2016, § 1)

**Section 2:** It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

**Section 3:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 4:** This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:

  
\_\_\_\_\_  
Tim Milligan  
Fire Chief

Approved as to form:

  
\_\_\_\_\_  
Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: March 11, 2020

APPROVED:

  
\_\_\_\_\_  
R. Steve Tumlin, Mayor

ATTEST:

  
\_\_\_\_\_  
Stephanie Guy, City Clerk